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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: PLANNING COMMISSION

FROM: MICHAEL CONGER, PROJECT PLANNER

VIA: KAMI GRIFFIN, SUPERVISING PLANNER

DATE: MARCH 23, 2006

SUBJECT: BENNETT EMERGENCY PERMIT (ZON2005-00617) – EROSION CONTROL AND MONITORING PLAN FOR THE PROTECTION OF UNPERMITTED FILL ADJACENT TO THE SALINAS RIVER

RECOMMENDATION

Receive and file. The decision to issue an Emergency Permit is solely at the discretion of the Director of Planning and Building, although subsequent permits required for the project are subject to all applicable hearing requirements of Title 22 (Land Use Ordinance).

DISCUSSION

The Bennett Emergency Permit was issued for Mr. Shannon Bennett on March 6, 2006. The purpose of the Emergency Permit is to allow for protection of approximately 5000 cubic yards of unpermitted fill at 12455 Chia Lane in the South Atascadero area, while the necessary grading permits are obtained for the removal of the fill. The Emergency Permit authorizes work proposed by the applicant's civil engineer to prevent potential damage to the Salinas River that could be caused by sudden or unexpected storm events and inclement weather. A copy of the Emergency Permit and the Conditions of Approval are attached to this document.

Five thousand cubic yards of fill were placed within the floodplain of the Salinas River in September 2005. No grading permits were issued by the County for this earthwork. The applicant has been directed by the California Department of Fish and Game (DFG) and Central Coast Regional Water Quality Control Board (RWQCB) to promptly remove the fill from the Salinas River. On February 8, 2006, the County received an application requesting an emergency permit for the removal of the fill.

On February 14, 2006, representatives from County Planning, Code Enforcement, and the Building Division met with the applicant's agent and civil engineer to discuss this proposal. At that time, staff concluded that it would not be appropriate to issue an emergency permit for the removal of the fill due to environmental concerns, particularly those associated with the truck trips that would be required to remove the fill. Staff instead requested that the applicant submit an erosion control and monitoring plan for the protection of the fill. The Emergency Permit was issued based upon the erosion control and monitoring plans submitted by the applicant's engineer.

The applicant has agreed to submit a full Grading Permit application within 20 days of the issuance of the Emergency Permit. The Grading Permit will provide details regarding the removal of the fill and the restoration of the site to its conditions before the illegal grading activities occurred. An environmental determination pursuant to the California Environmental Quality Act (CEQA) will be prepared for this permit. Staff has agreed to prioritize this Grading Permit, recognizing the environmental benefits of prompt removal of the fill from the Salinas River.



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

NOTICE OF APPROVAL OF EMERGENCY PERMIT

MARCH 6, 2006

Filing Date: **February 8, 2006**
File Number: **ZON2005-00617**

Applicant: **Shannon Bennett**
APN: **059-111-014**

Project Location: **The project is located at 12455 Chia Lane, approximately 1000 feet northwest of Santa Clara Road, adjacent to the Salinas River in the South Atascadero area. The project site is approximately one-half mile south of the City of Atascadero, in the Salinas River planning area.**

Date Permit was Acted Upon: **March 6, 2006**
Name of Staff Member Assigned: **Michael Conger, Kami Griffin**

Emergency Declared: This is to notify you that the San Luis Obispo County Director of Planning and Building has declared that an emergency exists at the above location that requires action more quickly than permitted by procedures for regular land use permits pursuant to Section 22.62.080 of the County Land Use Ordinance.

Should you have further questions, please contact the Department of Planning and Building, County Government Center, San Luis Obispo, (805) 781-5600.

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**Shannon Bennett
Emergency Permit ZON2005-00617
Conditions of Approval**

Authorization

1. This permit authorizes the erosion control and monitoring measures outlined in the plans and reports prepared by Keith V. Crowe, civil engineer, necessary to protect and stabilize 5,000 cubic yards of unpermitted fill placed on the site by the applicant. The reports and plans referenced are as follows:
 - a. **February 20, 2006** – Scope of work, addressing the proposed monitoring.
 - b. **February 24, 2006** – Pre-storm report describing several erosion control measures that had been put into place.
 - c. **February 26, 2006** – Report including additional erosion control measures.
 - d. **March 1, 2006** – Post-storm report recommending additional erosion control measures.
 - e. **March 3, 2006** – Erosion control plan summarizing the measures that have been put into place.
2. This permit also authorizes any additions and/or modifications to the erosion control plan that the civil engineer or erosion control specialist retained by the applicant recommends, provided that such additions/modifications are necessary towards the goal of preventing erosion and protecting and stabilizing the fill.
3. This permit does not authorize the removal of the fill from the site, nor does it authorize major earthwork which would require disturbance in the riverbed of the Salinas River or impacts to any sensitive riparian vegetation.
4. The applicant shall submit a complete application for a grading permit **within 20 days of the date of this permit** for the removal of the unpermitted fill.
5. This emergency permit shall expire on June 3, 2006, or at the time of final inspection of the grading permit, whichever occurs first.

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Monitoring

6. A registered professional engineer or an erosion control specialist shall designate a qualified individual to be on-site to monitor for erosion during any storm event for which more than one inch of precipitation is predicted, or for which NOAA has issued a storm advisory encompassing the project area, or as directed by the County, RWQCB, or Fish & Game. Emergency contact numbers for the designated monitor(s) shall be provided to the County, Central Coast RWQCB, California Department of Fish & Game, the applicant, and any other project stakeholders.
7. The applicant shall provide a copy of all pre-storm and post-storm reports to County Planning and Building, Central Coast RWQCB, and California Department of Fish and Game.
8. The applicant shall provide periodic updates to County Planning and Building, Central Coast RWQCB, and California Department of Fish and Game for any additions or modifications to the erosion control plan. The updates shall include a timeframe for the completion of any additional erosion control measures.

Indemnification

9. The applicant shall, as a condition of this emergency permit, defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this emergency permit or the manner in which the County is interpreting or enforcing the conditions of this emergency permit, or any other action by a third party relating to approval or implementation of this emergency permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required to pay as a result of such action, but such participation shall not relieve him of his obligation under this condition.